

**BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA**

IN THE MATTER OF:

THE APPLICATION OF)
TWIN CITY CAPITAL, LLC, D/B/A)
AMERICAN SELECT, FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND)
NECESSITY TO PROVIDE)
INTEREXCHANGE TELECOMMUNICATION)
SERVICES AND FOR ALTERNATIVE)
REGULATION)

**MOTION FOR PROTECTIVE TREATMENT AND
BASIS FOR FILING EXHIBIT D AS TRADE SECRET**

Introduction

Twin City Capital, LLC, doing business as American Select, (“TCC” or “Applicant”), by its attorneys, and pursuant to S.C. Code Ann. § 39-8-10, *et seq.* and Commission Order No. 2005-226 and all other applicable rules, statutes and regulations, hereby files this Motion for Protective Treatment (“Motion”) in the above-captioned proceeding. By this Motion, the Applicant seeks protective treatment by the Public Service Commission of South Carolina (“Commission”) of certain commercially-sensitive financial statements filed as a trade secret and attached as ***Exhibit D*** to the Application of TCC for a Certificate of Public Convenience and Necessity to Provide Interexchange Telecommunications Services in the State of South Carolina and for Alternative Regulation (“Application”). Because this motion is an inseparable part of the Application, it is being filed concurrently with the Application.

TCC provides the following information:

1. The exact legal name, address and telephone number of the Applicant are

Twin City Capital, LLC
442 Hayward Avenue
Oakdale, Minnesota 55128
1-877-271-5582 or 651-649-3575

2. Correspondence or communications regarding this Motion should be addressed to:

Ms. Bonnie D. Shealy, Esquire
Robinson, McFadden & Moore
1901 Main Street, Suite 1200
Post Office Box 944
Columbia, SC 29202
Phone: 803-779-8900
Fax: 803-252-0724
Email: BShealy@Robinsonlaw.com

A. Description of Confidential Information.

3 The Application requires TCC to disclose evidence of financial fitness through the submission of documentation of its financial resources and ability to provide the requested service. In conformity with this requirement, the Applicant submits its financial statements. These documents contain highly confidential and strictly proprietary information, the public disclosure of which may result in direct, immediate and substantial harm to the competitive position of the Applicant in South Carolina and elsewhere.

B. Grounds for Claim of Confidentiality.

4. Applicant is presently immune from a legal obligation to prepare or submit projected financial statements, or any other financial information, to any public entity. As such, the financial statements attached as ***Exhibit D*** to the Application are not

readily available to persons external to TCC except for regulatory and governmental agencies with jurisdiction over Applicant, and then only under seal.

5. Because the financial statements submitted by Applicant in support of the Application contain confidential and commercially-sensitive information from which its competitors may derive economic value, TCC seeks to protect such material from public disclosure. TCC derives independent economic value from the fact that significant, detailed and proprietary information regarding its financial structure and current financing activities is unknown to its competitors. As such, the Company's financial statements are a "trade secret" as that term is used in South Carolina Trade Secrets Act. S.C. Code Section 39-8-20(5). Given this fact, the disclosure of this information could provide existing and potential competitors, including institutional calling services providers in South Carolina, as well as in other states in which Applicant provides or intends to provide telecommunications service, with an unfair and undeserved competitive advantage.

6. American Select clarifies herein that its request for protection applies only to the documents attached as ***Exhibit D*** to the Application. TCC is not seeking protection of any type for those reports Applicant is required to file with the Office of Regulatory Staff ("ORS") should the relief sought in the Application be granted: the Annual Report Form, Gross Receipts Report, and Universal Service Fund Worksheet.

CONCLUSION

7. The financial information included in support of Applicant, for which Confidential Treatment is sought, is both proprietary and competitively-sensitive. The substantial and direct harm that could be caused to TCC as a result of any disclosure is

real and not speculative. Moreover, to date, no other jurisdiction or governmental agency has required TCC to make this information available to the public. For all these reasons, the financial statements attached as ***Exhibit D*** to the Application should be protected from public disclosure by the Commission.

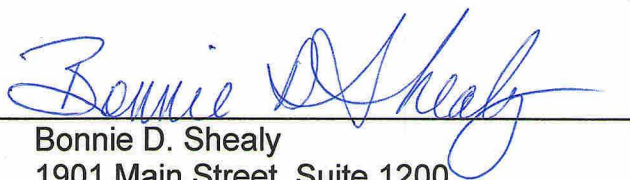
WHEREFORE, Twin City Capital, LLC, doing business as American Select, respectfully requests that the Public Service Commission of South Carolina grant this Motion for Protective Treatment with respect to the financial statements attached as ***Exhibit D*** to the Application for a Certificate of Public Convenience and Necessity to Provide Interexchange Telecommunications Services in the State of South Carolina and filed *under seal* as Confidential in this proceeding.

Dated this 27th day of April, 2011.

Respectfully submitted,

ROBINSON, MCFADDEN & MOORE, P.C.

By



Bonnie D. Shealy
1901 Main Street, Suite 1200
Post Office Box 944
Columbia, SC 29202
Telephone: (803) 779-8900
bshealy@robinsonlaw.com

Attorneys for Twin City Capital, LLC

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EXHIBIT D

FINANCIAL STATEMENTS

**CONFIDENTIAL AND PROPRIETARY
FILED UNDER SEAL**